

REMARKS

By this Amendment, Applicant has amended claims 1, 36, 71, and 112. Claims 1-6, 8-41, 43-76, and 78-113 remain pending. Applicant respectfully submits that no new matter has been added by these amendments.

Applicant appreciates the courtesy extended by Examiner Lastra in allowing Applicant's representatives to discuss the pending claims in the interview on April 17, 2006. During the interview the Examiner alleged that Gardenswartz et al. disclosed "determining attributes of a first group of consumers in a market population of consumers who have purchased an item . . . wherein at least one of the attributes includes at least one of financial information associated with the first group of consumers or loyalty information associated with the first group of consumers," as recited in independent claims 1, 36, 71, and 112. Applicant respectfully disagrees with the Examiner's allegation. However, to expedite prosecution, Applicant has further amended independent claims 1, 36, 71, and 112 to recite wherein the "financial information associated with the first group of consumers include[es] at least one of primary payment type, bad check indicator, or information relating to bad checks" and the "loyalty information associated with the first group of consumers include[es] at least one of history of responses to loyalty offers, age, gender, or marital status." The cited references, either alone or in any reasonable combination, fail to teach or suggest at least these recitations. Moreover, Scroggie et al., Wexler et al., and Walker et al. also fail to teach at least the above-identified recitations. Accordingly, Applicant submits that independent claims 1, 36, 71, and 112 are distinguishable from the cited art and thus, should be allowed.

Claims 2-6, 8-35, 37-41, 43-70, 72-76, 78-111, and 113 depend from claims 1, 36, or 71. As explained, claims 1, 36, and 71 recite elements not disclosed or suggested by the cited references. Accordingly, claims 2-6, 8-35, 37-41, 43-70, 72-76, 78-111, and 113 are allowable over the cited references for at least the same reasons as claims 1, 36, and 71. Applicant, therefore, respectfully requests that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.


In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: April 18, 2006

By: 
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